IN THE HIGH COURT OF JUDICATURE AT BOMBAY

IN ITS APPELLATE JURISDICTION

WRIT PETITION NO. 1994 OF 2007

SHESHMANI RAJARAM DUBEY ..PETITIONER

V/S

RETURNING OFFICER

M/S. MUMBAI SAHAKARI GHASLET

VITRAN SANSTHA LTD. ..RESPONDENTS

MR. A.K. ABHYANKAR I/BY M. TRIPATHI & CO. FOR THE PETITIONER.

MR. A.S. DESAI FOR RESPONDENT NO.1.

MR. P.I. KHEMANI - AGP FOR RESPONDENT NOS. 3 & 24.

CORAM: S.K. SHAH, J.

DATE : 23RD MARCH, 2007.

P.C.

1. Heard learned counsel on both sides. Perused the impugned order passed by the Appellate Authority. The main ground on which the Appellate Authority rejected the Appeal is that all the contesting candidates were not added as parties. There is no dispute that this is the requirement. Under section 152-A of the MCS Act such an Appeal has to be filed within 3 days of the order passed by the Returning

Officer which was passed on 11/3/2007 and the Appeal was actually filed within 3 days. However the Appeal was filed without joining all the contesting parties. It is at the stage of argument before the Appellate Authority. Liberty was sought to join them and it was rejected. The Application filed without joining all the parties was therefore disallowed and the Appeal was dismissed.

2. I do not find any illegality in the impugned order. Therefore the Writ Petition is dismissed.

3. The learned counsel for the petitioner at this stage makes a prayer for staying the finalisation of the list of candidates. Learned counsel for the Respondents oppose the same. As Monday, 26th March, 2007 is the date of finalisation, I am not inclined to grant the oral request made by the learned counsel for the petitioner. The said request is rejected.

(S.K. SHAH, J.)